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September 27, 2024

MAGISTRATE JUDGE STEVEN I. LOCKE 100 Federal Plaza Courtroom 820 Central Islip, NY 11722

Re: Yitzhak, et al. v. Verner, et al.

2:24-cv-03552

Dear Judge Locke:

Late last night, Respondent Verner's counsel engaged in his latest delay tactic by requesting an extension to provide the *very* overdue financial information. The late request for the extension to the Court came simultaneously late to the office of the undersigned, thus Verner's attorneys made no effort to timely communicate with the undersigned prior to seeking this latest delay.

Verner's attorneys cite his involvement in <u>USA v. Klimenka</u>, 3:22-cr-00256, as the reason for this delay, however, this is meritless. Attached is the docket sheet for that matter. The next hearing date in the matter is scheduled for November 15, 2024. Even the excuse offered is paper thin: "he has been engaged from September 27, 2024 through October 1, 2024 preparing for a proffer presentation..." According to the document sheet, Verner filed his appearance January 30, 2024, thus he was not just engaged. However, even if he were, how would it prevent Verner from providing financial information from his own escrow account that has been sought for several months and directed several times to be produced by this Court?

As a reminder, Your Honor wrote in your June 25, 2024 Order: "This case is primarily about Plaintiff getting access to documents to establish a paper trail concerning funds held at one point in Defendant Verner's escrow account." Verner has refused to respond to a subpoena, has failed to cooperate with discovery, has ignored this Court's discovery Order and now seeks to violate the Court's latest Order. Obviously, Verner is hiding something from this Court.

In short, this is another meritless excuse for delay and is in plain contempt of Your Honor's Order of September 16, 2024. Request is herein made to move the Court for contempt of Court against Respondent Attorney Paul Verner and to seek costs, expenses and attorneys' fees incurred against counsel pursuant to 28 USC §1927.

No prior application for the foregoing relief has been made in this matter.

Respectfully submitted,

THE WEINSTEIN GROUP, P.C.

 $LLOYD J. \ WEINSTEIN, Esq.$